

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

FEDERAL TRADE COMMISSION and

THE PEOPLE OF THE STATE OF NEW YORK, by LETITIA JAMES, Attorney General of the State of New York,

Plaintiffs,

v.

QUINCY BIOSCIENCE HOLDING COMPANY, INC., a corporation;

QUINCY BIOSCIENCE, LLC, a limited liability company;

PREVAGEN, INC., a corporation d/b/a/ SUGAR RIVER SUPPLEMENTS;

QUINCY BIOSCIENCE MANUFACTURING, LLC, a limited liability company; and

MARK UNDERWOOD, individually and as an officer of QUINCY BIOSCIENCE HOLDING COMPANY, INC., QUINCY BIOSCIENCE, LLC, and PREVAGEN, INC.,

Defendants.

Case No. 1:17-cv-00124-LLS

NOTICE OF DEFENDANTS' FIRST MOTION IN LIMINE

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law and all of the pleadings and proceedings heretofore filed and had herein, Defendants Quincy Bioscience Holding Company, Inc., Quincy Bioscience, LLC, Prevagen, Inc., Quincy Bioscience Manufacturing, LLC (collectively, “Quincy”) and Mark Underwood (together with Quincy, “Defendants”), by and through their attorneys, will move this Court before the Honorable Louis L. Stanton, United States District Judge for the Southern District of New York, located at 500 Pearl Street, Courtroom 21C, New York, New York 10007, at a date and time to be determined by the Court, for an Order, pursuant to Rules 402, 403, and 802 of the Federal Rules of Evidence,

precluding Plaintiffs and their experts from introducing evidence or eliciting testimony related to a Warning Letter that the FDA issued to Quincy in 2012 and any correspondence relating to said Warning Letter, along with such other and further relief as the Court may deem just and proper. Defendants request oral argument on this motion, at a date and time to be determined by the Court.

Dated: October 24, 2022
New York, New York

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